



**REGULAR MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
JUNE 3, 2013**

Regular Meeting

A Regular Meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building, on Monday, June 3, 2013 at 7 p.m.

Present

Mayor Daniel T. Drew, Council Members Thomas J. Serra, Ronald P. Klattenberg, Mary A. Bartolotta, Gerald E. Daley, Robert P. Santangelo Hope P. Kasper, Grady L. Faulkner, Jr., Philip J. Pessina, Joseph E. Bibisi, Linda Salafia, , and Deborah A. Kleckowski; Corporation Counsel Daniel B. Ryan, Sergeant-at-Arms Officer Eric Sanford, and Council Clerk Marie O. Norwood.

Absent

Councilman Todd G. Berch

Also Present

Hartford Courant Reporter Shawn Beals, Middletown Press Reporter Alex Gecan and 30 members of the public

Meeting Called to Order

Mayor Drew calls the meeting to order at 7:02 p.m. and he asks all the students to lead the public in the Pledge of Allegiance.

Call of Meeting Read

The Call of Meeting was read and accepted. Mayor Drew declares the Call a Legal Call and the Meeting a Legal Meeting. He introduces the students from Woodrow Wilson school and The Mayor for a Day program; they will be shadowing the Mayor and Department heads tomorrow as well as the Council this evening and tomorrow they will conduct a mock Council meeting. The Chair asks if Mr. Panciera has a list of the students. The Chair reads the names of each student and asks them to stand. He thanks them for being here and it is a great program.

Councilman Serra is recognized and before he does that and he comments to the public and Council these are the future leaders of the City of Middletown; many of the Council members were former students in the program and became interested because they participated in this program.

Motion to Amend Agenda

The Chair states he will entertain a motion to accept or amend the agenda. Councilman Serra moves to amend the agenda and moves to add agenda items 8I and 8J; and to substitute agenda item 11, Mayor's appointments. Councilman Santangelo seconds the motion. The Chair asks if there is any discussion; seeing none, he calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes unanimously with ten affirmative votes.

Agenda Item	3
Description	Presentations

Agenda Item	3A
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Councilwoman Kleckowski comes forward for agenda item 3A; she states she is proud to read resolution 3A. The Chair asks Matt Newton to come forward. Councilwoman Kleckowski reads the resolution and moves it for approval; her motion is seconded by Councilman Serra. The Chair states, without objection, the matter is approved by acclamation and thanks Mr. Newton for the work he did for Manes in Motion. Matthew Newton receives a standing ovation by the members of the public present. Councilwoman Kleckowski states Matt would like to say a few words. Before that, Councilwoman Kleckowski acknowledges the family members present. Matt Newton thanks the Council for honoring him with this resolution. He has been a scout for 13 years and it has taught him many skills

Noted for the Record Councilwoman Bartolotta takes her seat at 7:14 p.m.

Mr. Newton thanks his family and his girlfriend for getting him to complete the requirements and thanks his brother for his assistance. He describes his project for Manes and Motions and thanks the administer of the program for guiding him through the project. He thanks the people who helped him in the fund raising. He is grateful for the generosity of all. He is not done with Troop 16; he will work with them over the summer at

summer camp and he has been involved for so long and it has had a great impact on who he has become and it is time to give back to Troop 16. He again thanks everyone for this honor.

The Chair states there are members of the Council who would like to congratulate you as well. Councilman Faulkner states he loves our young people; they contribute a lot and this display reinforces what we want to reinforce and that is you do have power and an impact. He visited Manes and Motion and he enjoyed it and it was therapeutic for me. Middletown is more than Main Street we have a lot of resources and a great collection of opportunities for our citizens to live a full live here. Our saying was its all here and this award proves that. Councilman Pessina states once in a while you see a leader and you developed over 13 years and what you have done for Manes and Motion; it is a good organization and it is a therapeutic riding camp for children and adults and vets and you have stood up as other Eagle Scouts have done. I am supporting you and what you do for the least of your brothers you will get back tenfold. The Chair congratulates him for his hard work.

Resolution No.	83-13
File Name	ccNewton2013eaglescout
Description	Congratulating Matthew Newton upon achieving Eagle Scout.
(Approved)	

Whereas, Matthew Newton joined Boy Scouts in the first grade as a Tiger Cub Scout, in 1999; he earned the Arrow of Light Award, crossing over from Webelos to Boy Scouts; Matt graduated from Xavier High School and attends Middlesex Community College where he is on the Dean's list; and

Whereas, Matthew earned the rank of Tenderfoot in October, 2005; Second Class in November, 2006; First Class in March, 2007, Star in March, 2008, and Life in October, 2008; and

Whereas, Matthew began working on the Eagle Scout award which demonstrates Scout spirit, service, and leadership; to attain this award he earned 32 merit badges covering various aspects of adult life; to show leadership, he began by serving as the Assistant Patrol Leader and eventually became Patrol Leader, Senior Patrol Leader at summer camp, and Junior Assistant Scoutmaster; and

Whereas, for his service project, he planned building a shelter for horses in the fields at Manes & Motions, a therapeutic riding facility in Middletown; he also built a large wooden box to store the canopy during the winter. Manes & Motions has no protection for horses or riders during the summer or during a storm and the shelter will be used for up to four horses and riders; the canopy will be removed in the winter and stored; and

Whereas, he began fundraising for the project by contacting the Superintendent of Schools, Dr. Patricia Charles to see if the school teachers in Middletown could donate by having a dress down day; he worked with other civic clubs, Westfield Fire Department, and South District Fire Department to help raise funds to purchase the building materials. He collected over \$2,500 for this project and upon completion of the shelter and storage box had \$1,500 left which he donated to Manes & Motions to be used to build a second shelter; and

Whereas, Matt organized Boy Scout leaders and scouts, along with other community members to plan and build the shelter; he put in over 132 service hours to complete the project; and

Whereas, Matt also volunteers as a Peer Minister, Eucharistic Minister, and Bible School aide at St. Pius X Church; he completed a mission trip to Bible School in Harlan Kentucky. Matt is an assistant coach for Middletown Youth Soccer and has also volunteered with CIVITAN; and

Whereas, Matt completed his requirements for Eagle on December 21, 2012 and will receive the Eagle Scout Award at an Eagle Court of Honor scheduled for June 14, 2013.

Now, Therefore, Be It Resolved by the Common Council of the City of Middletown: That on behalf of the Citizens of Middletown, we congratulate Matthew Newton on his achievement in earning the Eagle Scout Award; through his determined efforts, Manes & Motions has a shelter to protect its horses and riders in the field; and

Be It Further Resolved: That we recognize him as a future leader; Matt exemplifies leadership and service and is a role model for others to emulate; we wish him well in all his future endeavors.

Agenda Item	4
Description	Approval of Minutes

The Chair asks for a motion to approve the minutes of the regular Common Council meeting May 6, 2013 at 7 p.m. meeting; Special Meetings of May 6, 2013 at 6 p.m. and May 15, 2013 at 7 p.m. The minutes of the meetings having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Serra moves the minutes of May 6 at 6 p.m. and 7 p.m. and May 15 for approval; his motion is seconded by Councilman Santangelo.

Motion to Amend

Councilwoman Kasper states we had another special meeting of May 2 in our packets and you might want to add to it. She moves to amends the motion to add May 2; Councilman Klattenberg seconds the motion. The Chair calls for the vote and it is unanimous to approve with eleven aye votes.

The Chair states we now added the special meeting of May 2 and asks for discussion on the underlying motion. Councilman Faulkner states he is abstaining from the meeting held on May 15; Councilwoman Kasper is abstaining from the vote on the Special meeting of May 6; and Councilman Pessina abstains from the vote for the special Meeting of May 6. The Chair calls for the vote on these matters and it is unanimous to approve with the noted abstentions. The Chair declares the matters pass unanimously with the exception of the noted abstentions.

Agenda Item

5

Description

Public Hearing Opens

The Chair opens the public hearing on agenda items at 7:21. He asks that the SPEAKERS state their name and address for the record. Geen Thazhampallath as a Teamster local member on behalf of our membership, the professionals for the City and many of us live in town. We are the backbone of the City's responses to hurricanes and snowstorm and we serve at the pleasure of the Mayor and beside him and tonight you have before you a contract that would demonstrate that gratitude back to us. It is a document good for both of us. The City will receive the ability to evaluate us and appoint certain people and the appointments will come from the Mayor to you for approval and you will have the ability to remove the payment of longevity and there has been a lot of public discussion and those arrangements for government employees were obsolete in nature and we are giving that up to you. About 25 people will continue to receive it as part of their salary and current members new to the bargaining unit will not receive longevity payments. I understand you had questions on the premium cost share and we checked with CCM which indicated that our cost share was at a level of other municipalities across the State. We ask that you support this document and we wanted to encourage you and point out it is a fair and a mutually beneficial contract.

Earle Roberts states the transfers, this time of the year about \$500,000 and he doesn't know if he will appreciate that. His concern is the over taxation and how the money was or was not spent. The \$30,000 for the Fire Department snow removal. The CDBG money is being applied to many factions of the City including residential elevators in the private section and I read \$325,000 and for years we have contracted with Mercy Housing they need sidewalks there. Someone will get hurt one day and there are a lot of issues and it seems some of this could be applied. Bill Warner's department is taking \$23,000 for administration and should be used for these other projects. On the contract it is extravagant, there is longevity, shoes, clothing, cost of pension fund and the Finance Director says it will cost over \$200,000 and the benefits on terms of salaries are more than outstanding to the private sector. The last one is the recipient of a contract benefit and he hears about piggybacking and someone who receives benefits might receive those and you should question that. His philosophy is he would like it to stay level and he discusses the State budget. We are part of the solution or part of the problem. He would like to address one point when you said the no lay off clause still exists, but it is going away.

Agenda Item

6

Description

Public Hearing Closes

The Chair asks if there are any other members of the public wishing to speak; seeing no one, the Chair closes the public hearing at 7:28 p.m.

Agenda item

7

Description

Appropriation Requests and Bond Ordinances

The Chair asks the Council Clerk to read the appropriation requests and Certificate of Director of Finance.

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Certificate Director of Finance:

MEMORANDUM

TO: His Honor, Mayor Daniel T. Drew and
Members of the Common Council

FROM: Finance Department

DATE: May 30, 2013

RE: Certification of Funds

This is to certify that funds sufficient to meet the appropriations requested at your meeting on June 3, 2013 are available as follows:

General Fund	\$2,495.84
Fire Fund	\$30,000

Robert B. Berch, Jr.
Robert B. Berch, Jr.
Director of Finance

Robert B. Berch, Jr.
5-31-13
JWB

Agenda Item 7A

Councilman Klattenberg reads and moves for approval the Registrars of Voters request; his motion is seconded by Councilman Pessina. Councilwoman Kasper states it is her understanding the Finance and Government Operations meeting was canceled and this item along with the Fire Department's were going to be at the next meeting. Councilman Klattenberg states that is new to me.

Motion to Waive the Rules

Councilman Serra moves to waive the rules for the Finance Director to come forward. Councilwoman Kasper seconds the motion. The vote is unanimous to waive the rules to have Mr. Erlacher come forward to respond to inquiries. Mr. Erlacher states in the \$30,000 from Fire, they did some transferring; you won't need to approve that. We might have to do another transfer so it doesn't hurt his budget. He states with the Registrars, he doesn't know where it stands. He doesn't know about the Registrars. Their budget is tight right now; we could postpone it until next month, but it would be back. Councilman Klattenberg states they have a limited budget and it seems like a large number for their budget. Councilman Serra asks the Finance Director what his recommendations are. Mr. Erlacher states approve the \$2,400 for the Registrars, but postpone or vote down the Fire's \$30,000.

The Chair asks if there is a motion; there is. He calls for the vote on 7A, an appropriation request for the Registrars of Voters. It is unanimously approved with eleven aye votes. Councilman Berch is absent from the meeting. The Chair states the matter passes unanimously with eleven aye votes.

Registrars of Voters \$2,495.84, Account No. 1000-09000-55500, Voting Machine Expenses, General Fund.

(Approved)

Agenda Item 7B

Councilman Santangelo reads and moves for approval the Fire Department appropriation request in the amount of \$30,000; his motion is seconded by Councilman Faulkner. Councilman Serra states for information purposes, you heard from the Finance Director, we should vote this appropriation down. The Chair asks for further discussion; hearing none, he calls for the vote. It is -0- aye votes; he asks for those opposed. It is unanimous to disapprove with eleven nay votes. The Chair declares the matter fails unanimously.

Fire Department \$30,000, Account No. 2010-50000-51340-0500, Overtime, Fire Fund.

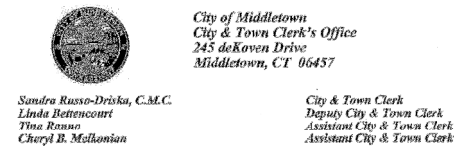
(Defeated)

Agenda Item 8

Councilman Serra reads and moves for approval agenda items 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H 8I and 8J; he asks Councilman Klattenberg to give a summary of the project. Councilman Klattenberg states he appreciates the opportunity to give a brief summary; the project is moving forward. We had a two month delay because of negotiations with the State Preservation office and we received \$275,000 and there is authorization for the Mayor to proceed with the SHPO grant and once the State gives the go ahead by the middle of June the schedule we have is approval by June 12; prebid meeting is set and they will send it to advertise in the newspaper and construction websites. They are looking to open bids by August 1. We can begin ground breaking by the end of the summer. The Chair states he has it on his schedule to sign first thing in the morning if it passes. Councilman

Faulkner is recognized and acknowledges that the City did well on the Affirmative Action report and he congratulates the City on their good work.

8A Town Clerk's Certificate (Approved)



May 28, 2013

I, Sandra Russo-Driska, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on May 6, 2013 at 7:00 p.m. and the special meetings on May 2, 2013 at 6:15 p.m., May 6, 2013 at 6:00 p.m., May 15, 2013 at 7:00 p.m. and May 15, 2013 immediately following the 7:00 p.m. meeting, have been advertised in the local newspaper.

Attest:

Sandra Russo-Driska
Sandra Russo-Driska
City & Town Clerk

Dated at Middletown, Connecticut, this 28th day of May, 2013.

Phone (860) 638-4910

Fax (860) 638-1910

TDD (860) 638-4812

Agenda Item 8B Monthly Reports

Finance Department – Transfer to May 29, 2013

(Approved)

Agenda Item 8C (Approved)

Grant Confirmation and Approval – Board of Education, Various Grants

Date of Request: 5/23/201
Name of Grant: As Listed Below
Amount: \$527,574.91
Code: 2450-33000-
Grant Period: **From:** 7/1/2013 **To:** 6/30/2013
Type of

Amount Loaned from General \$0.00
Department Administering Middletown Board of Education

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

769 - Middletown Teen Theater \$3,537.87; 813 - Adult Education Provider (\$5,797); 814 - Adult Ed Cooperating Eligible Entity \$81; 829 - PTA & Partnership's Mini Grant \$250; 838 - Governance Council-Bielefield \$5,000; 840 - Excess & New Cost Special Ed \$126,812; 841 - Special Ed Medicaid \$3,315.26; 852 - Universal Service Fund \$40; 876 - Hartford Symphony Donations \$21,296; 700 - Food Service Receipts \$151,158.51; 801 - Retiree/Cobra Insurance \$150,860.88; 803 - Workers' Compensation \$1,585.54; 804 - Preschool Program Fees \$9,316; 807 - Aetna Classified \$648.61; 809 - Maintenance/Rentals \$11,569.35; 821 - Sandy Hook Donations \$1,304; 823 - Central Office Receipts \$24; 833 - Adult Education Receipts \$10,513.33; 895 - Special Ed Tuition Reimbursement \$26,059.56; 899 - EASTCONN-Team Mentor \$10,000 Total Special Programs Through 4/4/2013 \$13,403,128.59 ADDITIONS \$527,574.91 Total Special Programs Through 5/23/2013 \$13,930,703.50

Requested by: Patricia Charles, ED.D

Agenda Item 8D (Approved)

Grant Confirmation and Approval – Health Dept, Kids Health and Safety Day

Date of Request: 5/16/201
Name of Grant: Kids Health and Safety Day
Amount: \$500.00
Code: 3070-31000-
Grant Period: **From:** 5/16/201 **To:** 6/4/2013

Type of Local
Amount Loaned from General \$0.00
Department Administering

Health Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

Donation to support the Kids Health and Safety Day on June 1, 2013 from the Middletown Substance Abuse Prevention Council in the amount of \$500.00

Requested by: Joseph A. Havlicek, MD

Agenda Item 8E
(Approved)

Grant Confirmation and Approval – Local Capital Improvement Program, 2013

Date of Request: 5/21/201
Name of Grant: Local Capital Improvement Program - 2013
Amount \$322,827.00
Code: 3560-00000-
Grant Period: **From:** 3/1/2013 **To:**
Type of State
Amount Loaned from General \$322,827.00
Department Administering Finance

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

The funding represents this year's allocation for local capital improvement projects as specified in state grant guidelines. The city must apply and receive approval for the projects. Once approval is granted, City funds must be expended first and then reimbursed once invoices/payments are approved by the State Office of Policy and

Requested by: Carl Erlacher

Agenda Item 8F
(Approved)

Grant confirmation and Approval – Police Dept. Click-It or Ticket

Date of Request: 5/16/201
Name of Grant: Click-It or Ticket
Amount \$3,000.00
Code: 3580-18000-
Grant Period: **From:** 5/20/201 **To:** 6/2/2013
Type of State
Amount Loaned from General \$3,000.00
Department Administering Police Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

The Police Department has been awarded a Click-It or Ticket grant by the state. The department will be setting up several seatbelt checkpoints throughout the City during the grant period monitoring seatbelt compliance. This grant is 100% reimbursible.

Requested by: Deputy Chief Michael Timbro

Agenda Item 8G
(Approved)

Human Relations report – 3rd Quarter Hiring Report

Agenda Item 8H
(Approved)

Eckersley-Hall Project Building Committee Report

MEMORANDUM

DATE: June 3, 2013
TO: Members of the Common Council
From: Councilman R. Klattenberg, Chair, Eckersley-Hall Building Committee
 Councilman P. Pessina; Vice Chair, Eckersley-Hall Building Committee

Re: Eckersley-Hall Building Committee Progress Report 4

1. On May 20, Jan Cunningham (historical consultant) and John Ireland (Architect, Silver Petrucelli Architects) responded to the State Historic Preservation Office (SHPO) comments regarding the Committee's application for tax credit approval. The application was submitted in April. SHPO requested additional information concerning the

planned building renovations and raised concerns about the roof ridge vent, building cornices, interior acoustic tiles installation and carpeting. On May 22, all issues for tax credit approval were resolved with the SHPO staff and a revised application signed by the Mayor. We are now happy to report that SHPO will be sending a letter supporting the issuance of tax credits after receiving the revised application. The value of the tax credits will be determined next. All cost estimates and sources of funding will need to be submitted for SHPO review following receiving the approval letter. This is expected to be completed by the end of June.

2. The filing and approval process for the SHPO exterior restoration grant with SHPO (\$172.3K awarded) was delayed due to the canceling of the Special Common Council meeting earlier this month. The resolution to reaffirm the contract with SHPO will satisfy all application requirements and allow for their final review. Preliminary approval of the grant has already been received. This process is also expected to be completed by the end of June.
3. After several administrative delays that led to a two month delay in the project, construction bid packages have now been completed. The Purchasing Dept will advertise the bid packages in local newspapers and on construction-related websites as soon as we receive approval from SHPO. It is expected the bids will be available to interested contractors on or before June 30.
4. A letter was submitted to the Connecticut Energy Finance and Investment Authority (CEFIA) detailing the planned geothermal system design and specifications for heating and cooling. The letter affirms the agreement between the City and CEFIA that the cash equivalent for the 6kW of solar PV or \$33,000 will be eligible for the installation of the geothermal technology. This is the first time CEFIA has allowed transfer of funds under the Clean Energy Communities Program and is expected to serve as a model to other towns and cities.
5. The Building Committee is working with the Mayor's Office and Public Works to determine the best course of action to demolish the modular units now housing the Military Museum. The artifacts in the museum are being boxed and moved it is now hoped the building will be vacated in June. The removal of the building is included in the bid package as an Alt-Add item.
6. The Committee received approval from CL&P to extend the deadline for use of the \$15,300 Energy Efficient Blueprint Incentive Funds for one year given the schedule for construction.
7. As a point of interest the bid package for this building project now exceeds 1,000 pages.
8. The tentative schedule for the project is as follows. The schedule assumes a quick review of the bid package by SHPO and response by mid-June or the dates will have to move back.

June 12...Advertise project bid packages (2 days)

July 9 ...Pre-bid meeting

July 19...Last day for questions

July 26...Addendum is posted

Aug 1...Bid opening

Aug 1 - Aug 7...Purchasing Dept, S+P and Public Works review all bids and confirm completeness and responsible lowest bid(s).

August 12... Building Committee approves contractor selection (requires Executive Session).

Week of August 12....City announces successful bidder

August 15 - Sept 7.... Enter into contract with bidder and schedule groundbreaking.

Agenda Item 8I **(Approved)**

Grant Confirmation and Approval - Sr. Services – Elderly & Disabled Demand Responsive Transport

Date of Request: 5/29/201
Name of Grant: Matching Grant Program, Elderly & Disabled Demand Responsive Transport
Amount \$12,000.00
Code: 3679-13000-55467
Grant Period: **From:** 7/1/2012 **To:** 6/30/201
Type of State
Amount Loaned from General \$0.00
Department Administering Senior Services Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

Improve elderly and disabled demand responsive transportation in conjunction with Middletown Transit District and the Middletown Senior Center

Requested by: Debbie Didato Stanley

Agenda Item 8J **(Approved)**

Grant Confirmation and Approval – Health Dept., Lead Poisoning Prevention and Control Program

Date of Request: 6/3/2013
Name of Grant: CADH Lead Poisoning Prevention & Control Program
Amount \$4,600.00
Code: 3020-31000-
Grant Period: **From:** 7/1/2012 **To:** 6/30/201
Type of State
Amount Loaned from General \$0.00
Department Administering Health Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

Lead surveillance system data to the department; lead prevention and awareness training and instruction

Requested by: Joseph A. Havlicek, MD

Agenda Item

9

Description

Payment of City Bills When Properly Approved

(Approved)

Councilman Serra moves the payment of all City bills when properly approved; his motion is seconded by Councilman Santangelo. The Chair calls for the vote and it is unanimous to approve with eleven aye votes. The Chair states the matters pass unanimously with eleven affirmative votes.

Agenda Item

10

Description

Resolutions and Ordinances

Agenda Item

10A

Councilman Daley reads and moves for approval agenda item 10A; his motion is seconded by Councilman Pessina. The Chair calls for discussion; seeing none, he calls for the vote. It is unanimous to approve with eleven aye votes. The Chair declares the matter passes unanimously with eleven affirmative votes.

Resolution No.

84-13

File Name

PCD_2013_NAA_Resolution

Description

Approving the submission list of programs to the Commissioner of the State of Connecticut Department of Revenue Services pursuant to General Statutes 12-228A, Neighborhood Assistance Act.

(Approved)

Be it resolved by the Common Council of the City of Middletown: That the following programs are hereby approved for submission to the Commissioner of the State of Connecticut Department of Revenue Services, on or before July 1, 2013 pursuant to General Statutes 12-228A, "Neighborhood Assistance Act:

Organization	Program Title	Funding Request
Russell Library Company	Increasing Energy Efficiency in a Public Library	\$10,250
Godfrey Library	Window replacement for Energy Efficiency	\$19,800
City of Middletown	Remington Rand Energy Efficient Windows	\$150,000

Motion to Recess

Councilman Serra moves for a recess; Councilwoman Kleckowski seconds the motion. The Chair calls for the vote and it is unanimous to approve with eleven aye votes. The Chair declares the recess at 7:39 and states everyone should be back at ten of eight.

Meeting Reconvenes

The Chair calls the meeting to order at 7:50 p.m.

Agenda Item

10B

Councilman Serra reads and moves for approval agenda item 10B; his motion is seconded by Councilman Daley.

Councilman Serra states all contracts are difficult and will state his reasons to vote for this contract and he hopes everyone will listen and understand and see the positives of this. He supports it because the no layoff clause is removed for 14-15 and longevity is removed for new hires; appointments will be confirmed by the Council and the wages and cost over three years is \$278,790. He states in researching this and utilizing CCM that over the average of this contract it is 6%; but if you break it down, they will be receiving 2% and 2% and 2% and the average arbitrated awards were 1.78%, 1.95%, and 1.88% and we if approve this is 2% and the max from arbitrations were 2.5%, 2.75% and 2.75% and if you look at the negotiated settlements for the same years for supervisory, year 12-13 was 2.25%; 2.18% for next and third year was 1.77% and the max negotiated for these unions was first 4.25%, 3.50% and 2.75%. The Finance Director was saying for going to arbitration, it would be between \$50,000 to \$100,000. We voted for this because it is budgeted already and one year is -0-. Cities our size for health insurance copays, Manchester, Norwich Southington, Wallingford and West Haven are 10%, 8% and one is 18% and this union is paying 15% and this is right on the avenue of fairness. It is fair for the Teamsters and fair for the taxpayers of Middletown and we should adopt this.

Councilwoman Kasper states she is not of the same opinion. There are some areas in the contract she has concerns with and one of them is we have three directors who are exempt and she was part of the investigation and it was highly recommended that, that director be removed from the union because it was causing issues for managing the department. And we have another union member who is part of managing these issues and he is becoming a member of the union. It is not in line with the current CBI and last month it was 1.1% and there was no movement on health insurance and there was a point that we were going to look at ways to reduce that cost and none of that has taken place. The longevity is now incorporated into the wage and used to compound the wages and people who aren't going to get it, don't have this she will not support this.

Councilman Daley states he will vote in support of this tentative agreement. It is a fair settlement. I think both parties the union and City demonstrated good faith in coming forward with this agreement and whenever you are in negotiations, it is rare that either side gets everything they would like. I feel absent an egregious problem or cost beyond what the City can bear, that we should support the collective bargaining process and collective bargaining works well when negotiated settlements can be reached. Arbitration is a costly, high stakes roll of the dice and we heard the Finance Director that the cost of the first two years is already in the budget and going into

arbitration you are not likely to get lower wages since it is already budgeted. Whether or not there are some positions in the unit that the City feels should be removed, it can be revisited at the end of the contract. There were three positions to remove confidential employees and in return, we had to give them something and the real problem is how these positions get in the union in the first place and it was done in a previous administration. Regarding longevity, it was explained by Director Erlacher and the cost is minimal; what other way can you eliminate it without rolling it in. I feel this is a well-balanced, fair agreement and rejecting it would not be in the best interest of the City and would incur additional costs of arbitration and would not resolve in a favorable return to the City.

Councilman Klattenberg states this is a tough issue for all of us and he looks at the provisions offered to the Union and taxpayers and it is his opinion and it is a contract to go back into arbitration. Despite the argument that the salary increase are CPI in the past, the truth of the matter is it is 1.18% and every contract they have discussed and debated in the past, one of the principal issues to us is how it relates to CPI. CPI is at 1.18% and is projected to be lower. I would argue looking at 3 zero 3 should be subject to renegotiation. The give and take portion of the contract, he looked at the memo presented to us and looking at the various points raised and some are good, but are they persuasive; the ability to grant 10 days off to union stewards; it is fine, but is it persuasive. Exempt status, a study will be done. It is a good thing but is it persuasive. With no change for insurance, it should have been part of the negotiation process. In balance, a significant issue is who remains in it and who doesn't. He was part of the investigation and suitability of directors who manage with many layers of supervision and should they be in the union. It was unanimous that he should not be in the union and yet remains in the union. He would like it looked at and revisited.

Councilwoman Salafia states she cannot vote in support of this contract; if I was a teamster member, I would love it but it is not favorable to the City. It will be difficult to administer the pay scale when you have four or five different longevity added into the pay scale. There are a lot of hidden factors that we are not knowledgeable about putting longevity into the salary. If you add it in, it affects insurance. She doesn't think it gains anything. The major thing the City got is the ability to appoint certain employees in certain positions and it is not a big enough gain to be favorable to the City. There is not enough give and take.

Councilman Faulkner states there are some things in here he does not like, but the overriding factor is we are stepping in the right direction and regaining some control. We got a few managers out and we have the opportunity to look at others in the future. The grievance process has been changed; manager and employee in the same union can bypass that and removes the conflict of interest and we are beginning to remove something from the contracts that should not be in there. It frustrates me when we pay longevity for people to stay and then pay them to leave and that is ridiculous but I will support this.

Councilman Serra would like to clarify relative to CPI; as Councilman Daley stated negotiation and bargaining; one cannot project CPI in years to come and you make the best estimate you can and at that point in time CPI was closer to 2% as well as cost share of benefits. In Meriden, they have numbers all over the place 10% 9%, and 12% later years. Norwich is 12%; Southington is 17%; West Haven is 9% so relative to copayments for premiums of insurance, it is in the ball park of sharing the costs.

Councilman Pessina states he has concerns but Carl stated the first two years are paid for on this contract and has swayed him to supporting it. For any contract, you will not get what you want. We have to go the extra step and look at the outstanding work the managers have done and it is up to your Honor to set the bar high and recognize these individual. He is not in agreement to send this to arbitration. He has seen them go back to arbitration; everything opens up and the best thing is to urge my colleagues to vote approval for this. It is the right thing to do.

Councilwoman Bartolotta states she is divided on this contract; there are some individuals that need to be taken out and some have been taken out. It puts some control back to the City in the sense of the no lay off clause. It has been there for many years. I feel the way Councilman Faulkner did, in the sense we need to address the contracts in a way that we can't have everything and it is give and take and I realize we are moving in the right direction so she will be supporting this.

Councilman Santangelo states he came in with the idea to support it and came in with an open mind; he did not hear enough information to say no to this contract, but heard enough information that it is a good contract. It is favorable to the union and it is favorable to the City. He looks to the Finance Director regarding the finances. Finally, this is one of the few contracts that both sides say we can work with this. He has heard the good parts and everyone did their homework. He will support this contract.

Councilwoman Salafia states as far as arbitration is that everything is on the table is the reason she would send it back. She has a problem with the cost of arbitration. Labor issues should be done in house and it has been years since we have been to arbitration.

The Chair states he would like to tell you about the decision making about the negotiations. This is a good issue for the students to watch and everyone is well versed on this issue. To Councilwoman Salafia's point about the arbitration; even if we handle it in-house, we have to use Triple AAA and it cost \$2,000 a day and every day, the City has to pay out \$1,000 and it would require the City Attorney's attention on a full time basis or we would have to appropriate money for outside counsel and that is on top of the \$30,000 we appropriated and that the costs for the first two years are in the budget. My charge to the Committee was to come up with a fair contract and he has heard we didn't hit them hard enough on wages and premiums and he does not think we should be out to destroy working people. They are the backbone of the City and he would hold them up to any in the State. He wanted a fair contract that would work for the union and fair for the public. We are significantly under the arbitrated award and this year the union gets -0- and you ratified that in the budget you passed. He stated the Manager of Human Resources is being added to the union and that person is from the Board of Education who is dealing with teachers and there is no conflict. That person was added to the bargaining unit by this Council and he wanted to use it to add it to remove some one. All it does is memorialize what was done by this Council. Councilman Klattenberg raised the question of CPI at 1.18%; it is important to reiterate it is a snapshot in time

and that is what it looks like right now. It is not an appropriate CPI and you need a long view and when they negotiated the contract it was 2% and this contract averages out to 2% a year. If the Council rejects it, it will go to arbitration; there is no more negotiation. Councilwoman Salafia said it is not favorable; he doesn't agree. While the union got a fair deal, we got the ability to oversee overtime; we got rid of cashing out vacation time; the City was paying the value of vacation time while they are working. We got the ability to appoint and confirm directors without going to the next person in the bargaining unit. We got 0% this year; without that concession it would be 1/10th of a mill more. We got the ability to do performance evaluations; we did eliminate certain positions, but not others. This was a contentious part of negotiations and a simple factor is we act under statutes and MERA dictates how when and in what ways we contact with collective bargaining. Once a previous administration allows this, you get the union to agree to allow them out or you petition to the State Labor Board and we use the term director and the State Law the definition of director is very specific. If we petitioned to do that we would have won several and lost several and lost the control of who should or should not be in the union. I felt and the union felt it was better to agree to who can come out so we can control how we operate the City. Finally the elimination of no layoff was a major give back; it was guaranteed protection and it was not given up lightly. Giving that up was not easy and getting that back was a major benefit and it is important to recognize the union knowing the difficulty of the financial times we live in. If we vote to turn it back, we will spend \$50,000 – \$100,000 and they would be awarded the raise in the contract. It makes more sense to ratify it this evening. Fairness was my ultimate goal and he never wanted to decimate the people who work for us. We have been too tolerant with the disintergration of the middle class; he wanted to protect the employees and the taxpayers.

Councilwoman Kasper states you did speak to a position that I mentioned that was new in the bargaining group and the information anything underlined stated it was being added to the bargaining union and was shown as a new employee added to the group. CPI is a snapshot and it is 1.18% and that is a period of a year from the present and goes back a year. If you look at it on a monthly basis it is progressively going down every month. She is not in agreement with positions remaining in the union; there was a decision when this group petitioned the labor relations in 1982 and they decided all those positions, it did exclude them and she lists them. This was pointed out to us when we did the investigation; it is difficult when you have a director of a major department in the union and that is one of the major reasons for not supporting this.

Councilwoman Salafia states in regards to vacation pay; you have not changed anything regarding vacation pay per page 4. If the employee has more than 8 weeks he loses the days unless they demonstrate they couldn't take it. I am sure they can make the case and they will get to keep the two or three days. The problem is when someone retires. MMPA adds a week after 16 years here and 12 in the union and they end up with 10 weeks within the year. This does not change anything. What worries me is the study to see whether or not employees should or should not get overtime. We added longevity and it has always been part of pension for MMPA. If they are found non exempt for overtime, then we have to pay them. You gave away something. No lay off doesn't kick in for one year. I think arbitration is the better way to go.

Motion to Call the Question

Councilman Faulkner moves the question; Councilman Santangelo seconds the motion. The vote is called and it is seven aye votes by Council Members Serra, Bartolotta, Daley, Santangelo, Faulkner, Pessina, and Bisisi; and three nay votes by Council Members Klattenberg, Kasper, Salafia and Kleckowski. The Chair states the matter passes. The question is asked what they voted on; the Chair responds to move the question.

Because of the confusion, the Chair calls for the vote on the motion to call the question. It is unanimous to approve with eleven aye votes. The Chair states the matter passes unanimously.

The Chair calls for the vote on the underlying motion, ratification of the agreement between the City and Teamsters. It is eight aye votes by Council Members Serra, Bartolotta, Daley, Santangelo, Faulkner, Pessina, Bibisi, and Kleckowski; and three nay votes by Council Members Klattenberg, Kasper, and Salafia. The Chair states the matter passes with eight affirmative votes and three against.

Resolution No.	85-13
File Name	ccteamstersagreementto2015
Description	Approving the contract between the City of Middletown and Teamsters Local 671 to June 30, 2015 and authorizing the Mayor to sign the agreement.

(Approved)

Now, Therefore, Be it Resolved by the Common Council of the City of Middletown: That the tentative agreement between the City of Middletown and Teamsters Union Local 671 is approved with said agreement in effective through June 30, 2015 and authorizing the Mayor to sign said agreement.

Fiscal Impact: See Memo from Finance Director Carl Erlacher.

Agenda Item 10C

Councilman Faulkner reads and moves for approval agenda item 10C; his motion is seconded by Councilman Santangelo.

Noted for the Record

Councilwoman Bartolotta leaves the chamber at 8:32 p.m.

Motion to Amend

Councilman Daley states he has amendments to the resolution; first, the City received \$395,000; in the fifth paragraph the \$375,000 should be changed to \$395,000. Under the list of appropriations he reads the following changes:

Increase Middlesex Business and Industry Foundation from \$10,000 to \$19,000;
To offset this, reduce the City of Middletown After-school Scholarship Program from \$17,696 to \$14,696;
Add a new program entitled Shiloh Manor, for a Generator for \$14,000

Under 2006 Entitlement Increase, eliminate the 360 MSR Assoc Residential Elevator for \$39,737.50 and replace it with Shiloh Manor/Generator in the amount of \$50,000;

Under the 2010 Entitlement Increase for 360 MSR Assoc Residential Elevator reduce it from \$31,880 to \$21,618.45; and

In the be it further resolved paragraph below the entitlement increase, change the amount from \$375,000 to \$395,000.

Noted for the Record

Councilwoman Bartolotta takes her seat in the chamber.

Councilman Daley moves the amendment for approval; Councilman Klattenberg seconds the motion. The Chair asks for discussion; Councilwoman Kleckowski asks Councilman Daley to repeat the change for the After-School program. He does so and explains the Shiloh Manor Generator will be \$64,000. Councilman Klattenberg asks about the 360 MSR Association and should those numbers change. Councilman Daley responds they are getting about \$20,000 in the 2013 Entitlement but it is reduced in the 2006 Entitlement.

The Chair calls for the vote on the amendment. It is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Salafia; and one nay vote by Councilwoman Kleckowski. Councilman Berch is not present.

The Chair calls for the vote on the amended resolution. It is unanimous to approve with eleven aye votes. The Chair states the matter passes unanimously with eleven affirmative votes.

Resolution No. 86-13
File Name PCD2013_CDBG_EntitlementRevised.doc
Description Approving amending the City of Middletown Consolidated Plan for Housing and Community Development, September 1, 2010 to August 31, 2015 to include the Remington Rand Small Business incubator at the Remington Rand Facility; approving the appropriations for the 2013 Entitlement; Approving various changes to Entitlement year programs 2003, 2006, 2007, 2008, 2009, 2010, and 2011 Program Income Expenditure Account and Fund Balance; and authorizing the Mayor to submit the amendments and access the entitlement funding for 2013 as well as old entitlement program income funds.

(Amended and Approved)

WHEREAS, the City of Middletown receives Community Development Block Grant (CDBG) funds from the US Department of Housing & Urban Development as an entitlement community, and

WHEREAS, the final rule was published on January 5, 1995 in the Federal Register for the Consolidated Submission for Community Planning & Development Programs; and,

WHEREAS, the ongoing receipt of CDBG funds is conditioned upon the drafting and adoption of a Five Year Consolidated Plan of Housing and Community Development under federal regulations [24 CFR 91.1(a)(2)], and the drafting and adoption of an Annual Action Plan; and,

WHEREAS, such a Consolidated Plan amendment and 2013 Annual Action Plan have been properly drafted and subject to due review by the public and by the Citizens’ Advisory Committee pursuant to the HUD final rule; and,

WHEREAS, the Citizens’ Advisory Committee has seen fit to recommend approval and adoption of this Consolidated Plan amendment,

WHEREAS, the City of Middletown expects to received \$395,000 in Community Development Block Grant funds for the 2013 entitlement year ; and,

WHEREAS, the City of Middletown has \$199,306.64 in old entitlement and program income funds and expects to received \$10,000 in program income during the 2013 entitlement year; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Mayor and the Common Council of Middletown hereby amend the *City of Middletown Consolidated Plan for Housing & Community Development September 1, 2010 to August 31, 2015* to include the Remington Rand Small Business Incubator as an eligible strategy for CDBG funds under Priority #1 and replace strategy 1 with: Jobs Strategy 1- Creation of a small business incubator at the Remington Rand facility.

BE IT FURTHER RESOLVED: That the following 2013 Entitlement appropriations are hereby approved:

Organization	Program/Project	Grant Amount
Russell Library	Job and Career Services	\$16,054
St. Vincent DePaul	Amazing Grace Food Pantry	\$7,500
Middlesex Business & Industry Foundation	Worker Preparation Program	\$19,000

Shiloh Christian Church	Summer Camp	\$5,000
Northern Middlesex YMCA	ADA All Purpose Room Floor Replacement	\$515.40
North End Arts Rising	ADA Buttonwood Improvements	\$25,000
Middletown Public Schools	ADA Accessible Entrance	\$3,083.45
360 MSR Associates	Pythian Building Residential Elevator	\$18,221.57
Gilead Community Services	Fire Alarm and Generator	\$26,510
Columbus House	Middlesex Family Shelter Flooring	\$23,976
Harding & Harding	Hogan House Historic Rehab	\$110,000
Allen's Abatement	Economic Development Comm. Rehab	\$58,952.45
City of Middletown	After-School Scholarship Program	\$14,696
City of Middletown	Small Business Creation/Expansion Incentive	\$19,485
City of Middletown	Program Administration	\$23,006.53
Shiloh Manor	Generator	\$14,000

BE IT FURTHER RESOLVED: That the following budget modifications be made:

DECREASE

2003 Entitlement

3780-14000-57030-0000-03760-2003-000	MHP Military Road	\$9,484.60
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2006 Entitlement

3700-14000-57030-0000-03610-2006-000	ADA Docks Harbor Park	\$39,737.50
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2007 Entitlement

3790-14000-57030-0000-03815-2007-000	Broad Park	\$54.00
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2008 Entitlement

3200-14000-57030-0000-03455-2008-000	Broad Park	\$44,801.15
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2009 Entitlement

3205-14000-57030-0000-03661-2009-000	City of Middletown- Code Enforcement	\$2,138.32
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2010 Entitlement

3215-14000-57030-0000-03664-2010-000	City of Middletown- Micro Grant Senior	\$7,671.01
3215-14000-57030-0000-03728-2010-000	Tonia's Tailoring	\$24,209.92

2011 Entitlement

3216-14000-57030-0000-03663-2011-000	City of Middletown- After School Scholarships	\$596.00
3216-14000-57030-0000-03664-2011-000	City of Middletown- Micro-grant Seniors	\$10,000.00
3216-14000-57030-0000-03721-2011-000	Russell Library	\$406.61
3216-14000-57030-0000-03410-2011-000	Kuhn Employment	\$2,500.00
3216-14000-57030-0000-03410-2011-000	Salvation Army	\$3,387.43
3216-14000-57030-0000-03656-2011-000	Middletown United Fathers	\$26.06
3216-14000-57030-0000-03657-2011-000	North End Action Team	\$169.77
3216-14000-57030-0000-03662-2011-000	City of Middletown- Program Admin	\$3,076.72
3216-14000-57030-0000-03674-2011-000	Community Health Center	\$15,000.00

Program Income- Expenditure Accounts

3960-14000-57030-0000-03471-0000-000	Middletown Public Schools	\$4,048.00
3960-14000-57030-0000-03585-0000-000	North End Housing	\$22,735.82

Program Income- Fund Balance

3960-14000-48203-0000-00000-0000-900	Loan Rehab Repayment/ Rehab	\$19,263.73
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INCREASE

2003 Entitlement

3780-14000-57030-0000-XXXXX-2003-000	YMCA/ADA All Purpose Room Floor Repl.	\$9,484.60
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2006 Entitlement

3700-14000-57030-0000-XXXXX-2006-000	Shiloh Manor/Generator	\$50,000
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2007 Entitlement

3790-14000-57030-0000-XXXXX-2007-000	Middletown/Program Administration	\$54.00
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2008 Entitlement

3200-14000-57030-0000-XXXXX-2008-000	Middletown/Program Administration	\$44,801.15
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2009 Entitlement

3205-14000-57030-0000-XXXXX-2009-000	Middletown/Program Administration	\$2,138.32
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2010 Entitlement

3215-14000-57030-0000-XXXXX-2010-000	360 MSR Assoc Residential Elevator	\$21,618.45
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2011 Entitlement

3216-14000-57030-0000-XXXXX-2011-000	MPS/ADA Accessible Entrance	\$35,162.59
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Program Income- Expenditure Accounts

3960-14000-57030-0000-XXXXX-0000-000	Allen's Abatement Comm. Rehab	\$26,783.82
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Program Income- Fund Balance

3960-14000-48203-0000-00000-0000-900	Allen's Abatement Comm. Rehab	\$19,263.73
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BE IT FURTHER RESOLVED: That the Mayor, as Chief Executive Officer of the City of Middletown, is hereby authorized to submit the amendments to the *Consolidated Plan* and the *2013 Annual Action Plan* to access the \$395,000 in CDBG

entitlement funding, \$199,306.64 in old entitlement and program income funds and \$10,000 of program income to be received during the 2013 entitlement year.

AND BE IT FURTHER RESOLVED: That the Consolidated Plan may be updated and amended as necessary to reflect Community Development Block Grant programs approved by the Common Council and changing priorities of present and future potential grant recipients.

FINANCIAL IMPACT: The CDBG program allows for 20% of the entitlement amount to fund program administration which is used to offset the salary and operating costs to run the program. Staff time and associated costs to oversee these projects are fund with an \$70,000 reimbursement to the City through the CDBG program.

Agenda Item 10D

Councilman Klattenberg reads and moves for approval agenda item 10D; his motion is seconded by Councilman Pessina. There is no discussion. The Chair calls for the vote and it is unanimous to approve with eleven aye votes. The Chair states the matter passes unanimously with eleven affirmative votes. Councilman Berch is absent from the meeting.

Resolution No.	87-13
File Name	ccmayauthforstatedeptedcertifiedinfoformayor2013
Description	Authorizing the Mayor to execute and deliver on behalf of the City of Middletown, Contracts with the State of Connecticut Department of Economic and Community Development for the Eckersley-Hall project.

(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Daniel T. Drew who is the Mayor of the City of Middletown, is empowered to execute and deliver in the name and on behalf of the City a certain contract with the State of Connecticut, Department of Economic and Community Development, and to affix the City seal, if any.

Fiscal Impact: None; this allows the Mayor to sign and deliver contracts with the Department of Economic and Community Development and specifically for a Historic Preservation grant for the Eckersley-Hall Building Project.

Agenda Item 10E

Councilman Daley reads and moves for approval agenda item 10E; his motion is seconded by Councilman Klattenberg. The Chair calls for discussion; seeing none, he calls for the vote. It is unanimous to approve with eleven aye votes. The Chair states the matter passes with eleven affirmative votes. Councilman Berch is absent from the meeting.

Resolution No.	88-13
File Name	pcdprojectforpublicspaces
Description	Approving accepting two grants, one from Over and Under Piping in the amount of \$10,000 and the second, Wesleyan University in the amount of \$10,000 to be used by Project for Public Spaces for a proposed study entitled "A Place Making Plan for the Middletown Riverfront"; approving establishing a new line item in the Economic Development Fund entitled "Project for Public Spaces with said \$20,000 placed into the new line item.

(Approved)

WHEREAS, the city is retaining the internationally renowned urban planning and place making firm known as Project for Public Spaces to study the riverfront; and

WHEREAS, said firms fee as outlined in their proposal entitled "A Place Making Plan for the Middletown Riverfront" is \$68,500; and

WHEREAS the Common Council appropriated \$35,000 for said purpose and is accepting \$10,000 grant from Over and Under Piping and a \$10,000 grant from Wesleyan University to fund said project;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

That the Mayor is hereby authorized to accept said grants and sign all documents necessary to accept said grants.

BE IT FURTHER RESOLVED, that a line item 4330-14000-xxxxx-xxxx-xxxxx-xxxx-xxx "Project for Public Spaces" be established in the Economic Development Fund and the grants and the appropriation be deposited into said line item.

FINANCIAL IMPACT –No impact on the general fund. Accepting the grants actually saves the general fund \$20,000.

Agenda Item 10F

Councilman Serra reads and moves for approval agenda item 10F; his motion is seconded by Councilman Daley. The Chair, hearing no discussion, calls for the vote. It is unanimous to approve with eleven aye votes. The Chair states the matter passes with eleven affirmative votes. Councilman Berch is absent from the meeting.

Resolution No.	89-13
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File Name pwlocipBernieORourkeDrive-Phase2
Description Approving authorizing the Mayor to sign an application with the State of Connecticut for a Local Capital Improvement Program grant in the amount of \$40,000 for 58 Bernie O'Rourke Drive, leased to the American Legion Post 75 and subleased to the Sports Hall of Fame to upgrade to electrical, door replacements, and the purchase of a new shed and that a new Capital Improvement Line Item entitled 58 Bernie O'Rourke Drive Improvements – Phase 2 – 2013 in the amount of \$40,000 be approved.
(Approved)

Be It Resolved By The Common Council of the City of Middletown: That Mayor Daniel T. Drew be authorized to sign an application to the State of Connecticut for \$40,000 from the Local Capital Improvement Program (LoCIP) for 58 Bernie O'Rourke Drive, leased to the American Legion Post 75, and subleased to the Sports Hall of Fame, to include upgrades to electrical work, door replacements and purchase of a new shed.

Be it Further Resolved: That a new Capital Improvement line item, 58 Bernie O'Rourke Drive Improvements – Phase 2 - 2013, in the amount of \$40,000 be approved in the Capital Plan.

Financial Impact: Using LoCIP Grant Funds for this project will not affect the general fund budget.

Agenda Item **10G**

Councilman Klattenberg reads and moves for approval agenda item 10G; his motion is seconded by Councilman Serra. There is no discussion and the vote is called. It is unanimous to approve with eleven aye votes. The Chair states the matter passes with eleven affirmative votes. Councilman Berch is absent from the meeting.

Resolution No 90-13
File Name pwblldpersummitresidentialllc
Description Approving a building permit refund to Summit Residential, LLC in the amount of \$1,062; the permit will not be used at 43 Bartlett Hollow Road.
(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL, OF THE CITY OF MIDDLETOWN:

That a Building Permit refund be issued to Summit Residential, LLC, 60 Thorpe Street, Fairfield, CT 06824 in the amount \$1062.00 for permit not used at 43 Bartlett Hollow Road, Middletown, CT.

Agenda Item **10H**

Councilwoman Bartolotta reads and moves for approval agenda item 10H; her motion is seconded by Councilman Faulkner. The Chair, hearing no discussion, calls for the vote. It is unanimous to approve with eleven aye votes. The Chair states the matter passes with eleven affirmative votes. Councilman Berch is absent from the meeting.

Ordinance No. 13-13
File Name revisionchapter26ArticleIsection26-3contract(2)
Description Approving amending Part 1, Equal Opportunity in Employment of Chapter 26, Article I, Section 26-3. Provisions to be included. Of the Middletown Code of Ordinances, to ensure consistency in policies and ordinances for protected classes.
(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Part 1, Chapter 26, Article I, Section 26-3 of the Middletown Code of Ordinances shall be amended as follows:

Article I. Equal Opportunity in Employment

* * *

§ 26-3. Provisions to be included.

A. Every contract for the construction, alteration or repair of any public building or public work shall contain the following provisions approved by the Human Relations Director:

The contractor agrees and warrants that in the performance of this contract he will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex (including pregnancy), transgender status, gender identity or expression, intellectual disability, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, political belief, Vietnam Era Veteran status, union membership, genetic history, criminal record (unless the provisions of § 46a-60, 46a-80(b) or 46a-81 of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the protected groups), present or past history of mental or physical disability, or sexual orientation in any manner prohibited by the laws of the United States or of the State of Connecticut or the City of Middletown. ~~in any manner prohibited by the laws of the United States, the State of Connecticut, or the City of Middletown.~~ The contractor also agrees to provide the Affirmative Action Officer of the City of Middletown with such information that may be requested concerning the employment practices and procedures of the contractor as related to the provisions of this section.

B. The aforesaid provision shall include, but not be limited to, the following: advertising, recruitment, layoff, termination, rates of pay or other forms of compensation, and conditions or privileges of employment selection for apprenticeship, selection or retention of subcontractors, or in the procurement of materials, equipment or services.

Agenda Item **10I**

Councilwoman Kasper reads and moves for approval agenda item 10I; Councilman Pessina seconds the motion. There is no discussion and the Chair calls for the vote. It is unanimous to approve with eleven aye votes. The Chair states the matter passes with eleven affirmative votes. Councilman Berch is absent from the meeting.

Ordinance No. 14-13
File Name revision74-13affirmativeactionpolicystatement
Description Approving amending Part 1, Chapter 74, Article II. Equal Employment Opportunity, Section 74-13. Affirmative action policy statement. Of the Middletown Code of Ordinances to ensure consistency in policies and ordinances for protected classes.

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Part I, Chapter 74, Article II, Section 74-13 of the Middletown Code of Ordinances shall be amended as follows:

Article II.
 Equal Employment Opportunity
 * * *

§ 74-13. Affirmative action policy statement.

- A. The employment policies and practices of the City of Middletown are to recruit and employ persons without discrimination based on race, color, religious creed, age, marital status, national origin, ancestry, sex (including pregnancy), transgender status, gender identity or expression, intellectual disability, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown that such disability prevents performance of work involved, political belief, Vietnam Era Veteran status, union membership, genetic history, criminal record (unless the provisions of § 46a-60, 46a-80(b) or 46a-81 of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the protected groups), present or past history of mental or physical disability, or sexual orientation in any manner prohibited by the laws of the United States or of the State of Connecticut or the City of Middletown. No employee shall be subjected to sexual harassment by others in seeking to attain employment or while being employed. Such actions shall include, but not be limited to, the following:
 - (1) Employment upgrading, demotion or transfer;
 - (2) Recruitment or recruitment advertising;
 - (3) Lay-off or termination;
 - (4) Rates of pay or other forms of compensation; and
 - (5) Selection for training, including, apprenticeship, if any.
- B. The City of Middletown emphasizes this policy to assure compliance with the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, Presidential Executive Orders 11246 and 11375, the Connecticut Fair Employment Practices Act (C.G.S. § 46A-60, as amended), the Vocational Rehabilitation Act of 1974, Title IX of the Education Amendments of 1972, the federal laws and/or Connecticut General Statutes (Title 27, Part IA, C.G.S. §§ 27-103) relating to any and all veterans, Title VII and Title VIII of the Public Health Service Act, and the City of Middletown ordinances as set down in this chapter, and all other laws which pertain to equal employment opportunity. The City of Middletown recognizes that certain positive steps must be taken and it will, therefore, undertake a program of affirmative action to make known its commitment in this regard.
- C. The City of Middletown will additionally assert its leadership within the Community to achieve full employment and effective utilization of the capabilities and productivity of all persons without regard for race, color, religious creed, age, marital status, national origin, ancestry, sex (including pregnancy), transgender status, gender identity or expression, intellectual disability, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown that such disability prevents performance of work involved, political belief, Vietnam Era Veteran status, union membership, genetic history, criminal record (unless the provisions of § 46a-60, 46a-80(b) or 46a-81 of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the protected groups)), present or past history of mental or physical disability, or sexual orientation in any manner prohibited by the laws of the United States or of the State of Connecticut or the City of Middletown.
- D. The Affirmative Action Officer and management of the City share in the responsibility of developing, implementing and achieving the equal opportunity and affirmative action programs as described herein for the City of Middletown under the direction of the City's Affirmative Action Officer.
- E. It will be the responsibility of the Affirmative Action Monitoring Committee to monitor the City's personnel practices, programs, and contracts for compliance with the equal opportunity laws. The Affirmative Action Officer, acting in his/her capacity as Director of the Equal Employment Opportunities Program, will review and analyze these programs to detect any problem areas, as described herein, and recommend and assist in the necessary corrective action to be taken in the resolution of said problems. Said Affirmative Action Officer shall recommend to the Mayor and the Common Council, in writing, timetables and goals and recommend the required follow-up action to be taken to provide full compliance with the equal opportunity laws and the affirmative action programs of the City of Middletown.

Agenda Item 10J

Councilwoman Bartolotta reads and moves for approval agenda item 10J; her motion is seconded by Councilman Santangelo. There is no discussion. The Chair calls for the vote. It is unanimous to approve with eleven aye votes. The Chair states the matter passes with eleven affirmative votes. Councilman Berch is absent from the meeting.

Ordinance No. 15-13
File Name Sec156-5 2013revision-fairhousing

Description **Approving amending Part II, Chapter 156. Fair Housing, Section 156-2. Discrimination in the rental, sale or financing of housing prohibited. Of the Middletown Code of Ordinances to ensure consistency in policies of protected classes.**

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Part II, Chapter 156, Section 156-2 of the Middletown Code of Ordinances shall be amended as follows:

FAIR HOUSING

* * *

§ 156-2. Discrimination in the rental, sale or financing of housing prohibited.

- A. It shall be unlawful to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, or to discriminate or permit discrimination against any person or group of persons in the terms, conditions or privileges of sale or rental of housing accommodations or in the provision of services or facilities in connection therewith, because of race, color, religious creed, age, marital status, national origin, sex (including pregnancy), transgender status, gender identity or expression, intellectual disability, mental retardation or physical disability, Vietnam Era Veteran Status, present or past history of mental or physical disability, union membership, genetic history, criminal record except to the degree required by state and federal law, sexual orientation, ancestry, political belief, familial status, or source of income, including participation in Section 8 or a rental assistance program.
- B. It shall be unlawful for any person, bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of real estate loans, to deny a loan to a person applying therefor for the purpose of purchasing, constructing, improving or repairing housing, or to discriminate against such person in the fixing of the amount, interest rate, duration or other terms or conditions of such loan because of race, color, religious creed, age, marital status, national origin, sex (including pregnancy), transgender status, gender identity or expression, intellectual disability, mental retardation or physical disability, Vietnam Era Veteran status, present or past history of mental or physical disability, union membership, genetic history, criminal record except to the degree required by state and federal law, sexual orientation, ancestry, political belief, familial status, or source of income, including participation in Section 8 or a rental assistance program.
- C. Applicability.
 - (1) The provisions of this section shall not apply to:
 - (a) The rental of housing in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his family reside in one of such housing accommodations; or
 - (b) The rental of a room or rooms for housing accommodations, if such rental is by the occupant of the housing accommodation, or by the owner of the housing accommodation and he or members of his family reside in such housing accommodation.
 - (2) The provisions of this section with respect to the prohibition of sex discrimination shall not apply to the rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex.
 - (3) The provisions of this section with respect to the prohibition of discrimination on the basis of marital status shall not be construed to prohibit the denial of housing accommodation to a man and a woman who are both unrelated by blood and not married to each other.
 - (4) The provisions of this section with respect to the prohibition of discrimination on the basis of age shall not apply to minors, to federal or state-aided or municipal housing for elderly persons, to special discount or other public or private programs to assist persons 60 years of age and older or to privately owned housing developed and maintained exclusively for persons within specified age groups.
 - (5) The provisions of this section with respect to the prohibition of discrimination on the basis of physical disability shall not require any person to modify his property in any way or provide a higher degree of care for a physically disabled person than for a person not physically disabled.
 - (6) Nothing in this section shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or to members of the association or society, or prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Agenda Item 10K

Councilman Santangelo reads and moves for approval agenda item 10K; his motion is seconded by Councilman Faulkner. The Chair, seeing no discussion, calls for the vote. It is unanimous to approve with eleven aye votes. The Chair states the matter passes with eleven affirmative votes. Councilman Berch is absent from the meeting.

Ordinance No. **16-13**
File Name **sec285-15illicitdischargeordinance**
Description **Approivng amending Part II, Chapter 258 Storm Water Management, to add a new Section 258-5. Illicit Discharge and Illegal Connection Ordinance. Of the Middletown Code of Ordinances to address illicit discharge into the Municipal separate storm sewer system (storm water drainage system).**

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Part II, Chapter 258 be amended to include Section 258-5 and its subparts to the Middletown Code of Ordinances:

Part II, Chapter 258 STORM WATER MANAGEMENT**§ 258-1. Purpose.**

The purpose of this chapter is to make adequate provision for the development and maintenance of facilities to control increases in stormwater surface runoff resulting from land development.

§ 258-2. Acceptance of ownership and maintenance of facilities by City.

The City shall not accept ownership of or responsibility for maintenance of any facilities for stormwater surface runoff control or detention, including but not limited to land and improvements thereon such as roads, curbs, drains, catch basins, culverts, retention ponds, basins or other facilities or their appurtenances, unless the requirements of this chapter are met, all laws applicable to the project being served by said facilities are complied with and the requirements of all governmental authorities having jurisdiction, including but not limited to the Middletown Planning and Zoning Commission and the Middletown Inland Wetlands and Watercourses Agency, have been complied with. If all requirements are met, the City will accept ownership and maintenance responsibility for such facilities.

§ 258-3. Procedure for acceptance and maintenance.

- A. Upon written certification to the Common Council by all governmental authorities having jurisdiction, including but not limited to the Middletown Planning and Zoning Commission and the Middletown Inland Wetlands and Watercourses Agency, that all requirements applicable to the project served by the facilities have been complied with, compliance with all laws applicable to the project served by the facilities and compliance with this chapter, the Common Council shall authorize and direct the Mayor to accept a deed or deeds conveying to the City title to such facilities for control and detention of stormwater surface runoff.
- B. Prior to delivery of a deed to the City, the grantor shall pay to the City the sum of \$100 per acre for each acre or fraction of an acre in the project. In addition to all other covenants made by the deed, the deed shall contain a covenant and guaranty to the City against defective workmanship or materials in the improvements constructed on the property conveyed for a period of six years from the recording of the deed. With the deed, the grantor shall deliver a performance bond with the grantor as principal and an insurance company authorized to act as a surety in Connecticut as the surety, as security for the six-year guaranty. Prior to the acceptance and recording of the deed, the City shall have no responsibility for maintenance of the facilities. All such facilities shall be constructed at the cost and expense of the grantor.
- C. The deed or deeds to the City shall provide for adequate access to the facilities to be maintained and sufficient area to carry on all necessary and convenient maintenance activities.
- D. The deed shall be a Connecticut warranty deed with warranty covenants as provided in Chapter 821a of the General Statutes as amended and in force at the time the deed is delivered to the City, conveying to the City clear title to the property free and clear of any encumbrances, liens, claims or defects of title which might affect the ownership of the City or the use of the property for control or detention of stormwater or the ability of the City to provide proper maintenance.
- E. The grantor shall also provide an owner's title insurance policy in the name of the City insuring the property conveyed with a title insurer authorized to issue title insurance policies in Connecticut, in an amount equal to the value of the land and improvements thereon conveyed to the City.
- F. Each deed shall be immediately recorded in the Middletown land records, and thereafter the City shall have the responsibility for maintenance of the drainage facilities.

§ 258-4. Maintenance by Public Works Department.

The Public Works Department shall maintain such facilities.

§ 258-5 Illicit Discharge and Illegal Connection Ordinance**A. Summary.**

An illicit discharge is defined as any discharge to the municipal separate storm sewer system (stormwater drainage system) that is not composed entirely of stormwater runoff (except for discharges allowed under an NPDES permit or non-polluting flows). These non-stormwater discharges occur due to illegal dumping or illegal connections to the stormwater drainage system. This ordinance provides the City of Middletown with the authority to regulate illicit discharges, designates who shall administer and enforce the provisions of this ordinance, and establishes enforcement actions for those persons or entities found to be in noncompliance or that refuse to allow access to their facilities.

B. Introduction.

It is hereby determined that:

Discharges to the municipal separate storm sewer system that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters;

These non-stormwater discharges occur due to spills, dumping and improper connections to the municipal separate storm sewer system from residential, industrial, commercial or institutional establishments.

These non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters.

The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;

These impacts can be minimized through the regulation of spills, dumping and discharges into the municipal separate storm sewer system;

Localities in the State of Connecticut are required to comply with a number of State and Federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and nonpoint source pollution due to improper non-stormwater discharges to the municipal separate storm sewer system;

Therefore, the City of Middletown adopts this ordinance to prohibit such non-stormwater discharges to the municipal separate storm sewer system. The Common Council firmly believes that the regulation of spills, improper dumping, and discharges to the municipal separate storm sewer system is in the public interest and will prevent threats to public health and safety, and the environment.

If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given effect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

C. Purpose and Intent

The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the municipal separate storm sewer system to the maximum extent practicable as required by Federal and/or State law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are to:

- (1) Regulate the contribution of pollutants to the municipal separate storm sewer system by any person;
- (2) Prohibit illicit discharges and illegal connections to the municipal separate storm sewer system;
- (3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to these separate storm sewer systems; and,
- (4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance

D. Applicability

The provisions of this ordinance shall apply throughout the City of Middletown.

E. Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

F. Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

G. Responsibility for Administration

The Director of Public Works, hereafter referred to as "the Director", shall administer, implement, and enforce the provisions of this ordinance.

H. Definitions

"Accidental Discharge" means a discharge prohibited by this ordinance, which occurs by chance, and without planning or thought prior to occurrence.

"Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

"Construction Activity" means activities subject to the Connecticut Erosion and Sedimentation Control Act or General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

"Director" means the Director of Public Works for the City of Middletown or his/her authorized deputy, agent, or representative.

"Illicit Discharge" means any direct or indirect non-stormwater discharge to the municipal separate storm sewer system, except as exempted in Section 258-8, Prohibitions, of this ordinance.

"Illegal Connection" means either of the following:

- a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- b) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

"Industrial Activity" means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14) or CGS 22a-430b.

“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit” means a permit issued by the Connecticut DEP under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Municipal Separate Storm Sewer System” means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, municipal streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

- 1) Owned or maintained by the City of Middletown;
- 2) Not a combined sewer; and
- 3) Not part of the system that is under the control of the Middletown Water Pollution Control Authority (WPCA).

“Non-Stormwater Discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

“Person” means, except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

“Pollutant” means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; silt, sand and/or exposed earth and wastes and residues that result from constructing a building, a road and/or a structure; concrete and cement; and noxious or offensive matter of any kind.

“Pollution” means the contamination or other alteration of any water’s physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

“Premises” mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“State Waters” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Connecticut which are not entirely confined and retained completely upon the property of a single person.

“Stormwater Runoff” or **“Stormwater”** means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

“Structural Stormwater Control” means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

I. Prohibitions

1. Prohibition of Illicit Discharges

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the municipal separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the prohibition provision above providing they contain no pollutants:

- (i) Water line flushing performed by a public water utility, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
- (ii) Discharges or flows from fire fighting, and other discharges specified in writing by the City of Middletown as being necessary to protect public health and safety;
- (iii) The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the State and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the municipal separate storm sewer system.
- (iv) Discharges from water main breaks and sewage released from manholes or sewer mains caused by blockages, or the repair of a broken sewer main provided DEEP was notified and a Bypass Report was submitted as required by state law or regulation.

2. Prohibition of Illegal Connections

The construction, connection, use, maintenance or continued existence of any illegal connection to the municipal separate storm sewer system is prohibited.

- (i) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (ii) A person violates this ordinance if the person connects a line conveying sewage to the municipal separate storm sewer system, or allows such a connection to continue.
- (iii) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Middletown Water & Sewer Department. If what is being discharged is not acceptable to enter into the sanitary sewer system or infiltrate into the ground, then it will have to be discharged of in another way that is acceptable to the Town.
- (iv) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the municipal storm sewer system, shall be relocated by the owner or occupant of that property upon receipt of written notice of violation from the Town. Such notice will specify a time period within which the relocation of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Director.

J. Guidance for Proper Disposal of Vehicle Wash Water

All vehicle washing must be performed in a manner which prevents the direct discharge of soapy washwater to a stream, river, or other surface waterbody. Washwaters should not enter a stormwater catch basin because the vast majority of these stormdrains discharge directly to a surface waterbody without treatment.

Vehicle washing should be performed in an area large enough to contain all washwater and allow it to seep into the grass, gravel and/or soil. It is important that the area selected be away from on-site or neighboring potable water supplies (wells). For more information on this subject, please refer to the latest Guidance Documents on "Disposal of Vehicle Wash Water" on the CT Department of Environmental Protection's website.

K. Guidance for Proper Disposal of Residential Swimming Pool/Hot Tub Wastewater

Disposal of residential swimming pool and/or hot tub wastewater needs to comply with all the latest CT Department of Environmental Protection (DEP) regulations and requirements. For more information on this subject, please refer to the Environmental Permitting Section of the CT DEP's website.

L. Industrial, Commercial or Construction Activity Discharges

Any person subject to an industrial, commercial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director prior to allowing discharges to the municipal separate storm sewer system.

M. Access and Inspection of Properties and Facilities

The Director shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance.

- (1) If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the City.
- (2) The owner or operator shall allow the Director access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (3) The Director shall have the right to set up on any property or facility such devices as are necessary in his/her opinion to conduct monitoring and/or sampling of flow discharges.
- (4) The Director may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to his/her office. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (6) Unreasonable delays in allowing the Director access to a facility are a violation of this ordinance.
- (7) If the Director has been refused access to any part of the premises from which stormwater is discharged, and the Director is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Director may seek issuance of a search warrant from any court of competent jurisdiction.

N. Notification of Accidental Discharges and Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the Director no less than 24 hours after the event of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall

also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of a release as provided above is a violation of this ordinance.

0. Violations, Enforcement and Penalties

1. Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Middletown Police Department and/or the Director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Director is authorized to seek costs of the abatement as outlined in Section 258-14 (E).

2. Notice of Violation

Whenever the Director finds that a violation of this ordinance has occurred, the Director may order compliance by written notice of violation.

i. The notice of violation shall contain:

- (a) The name and address of the alleged violator;
- (b) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (c) A statement specifying the nature of the violation;
- (d) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action. It is not the responsibility of the Town to formulate or design any remedial systems.
- (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
- (f) A statement that the determination of violation may be appealed to the Public Works Commission by filing a written notice of appeal within thirty (30) days from the date of the written Notice of Violation.

ii. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting required;
- (b) The elimination of illicit discharges and illegal connections;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of costs to cover administrative and abatement costs; and,
- (f) The implementation of pollution prevention practices acceptable to the City.
- (g) The reporting of the violation to the Connecticut Department of Environmental Protection (CTDEP) and/or the United States Environmental Protection Agency (EPA).

3. Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the Director. The notice of appeal must be received by the Town Clerk's Office within thirty (30) days from the date of the written Notice of Violation. A hearing on the appeal before the Public Works Commission shall take place within 60 days from the date of receipt of the Notice of Appeal. The alleged violator or his/her designee should be present at the Public Works Commission meeting to present their case and defend the accusations from the Notice of Violation. The decision of the Public Works Commission shall be final

4. Enforcement Measures after Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation or, in the event of an appeal, within 30 days of the decision of the Public Works Commission upholding the decision of the Director, then the Director may enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

5. Costs of Abatement of the Violation

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest to the Public Works Commission

objecting to the assessment or to the amount of the assessment within 30 days of such notice. A hearing on the abatement assessment appeal before the Public Works Commission shall take place within 60 days from the date of receipt of the notice of appeal. The alleged violator or his/her designee should be present at the Public Works Commission meeting to present their case on why the assessment is unfair.

If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the City of Middletown by reason of such violation.

6. Civil Penalties

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Director shall deem appropriate, after the Director has taken one or more of the actions described above, the Director may impose a penalty not to exceed \$100.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

7. Criminal Penalties

For intentional and flagrant violations of this ordinance, the Director may refer the violation to the United States Environmental Protection Agency (EPA) for enforcement of penalties under Sections 309 and 311 of the Clean Water Act.

8. Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

9. Remedies Not Exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable Federal, State or local law and the Director may seek cumulative remedies.

The Director may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Agenda item 11
Description Mayor's Appointments
(Approved)

The Chair reads his appointments and he asks for a motion to approve. Councilman Klattenberg moves them for approval and his motion is seconded by Councilman Pessina. The Chair calls for the vote. It is unanimous to approve with eleven aye votes. The Chair states the matters pass with eleven affirmative votes. Councilman Berch is absent from the meeting.

Human Relations Commisison:
Appointment of Debbie Ruimerman to fill a vacancy to January 31, 2016.

Russell Library Board of Trustees:
Appointment of Geen Thazhampallath to fill a vacancy to May 31, 2014.
Reappointment of Cynthia Sanders to May 31, 2016.
Reappointment of Bruce Markot to May 31, 2016.

Middletown School Readiness:
Appointment of Alice Torres as co-Chair.
Appointment of Ed Bonilla as co-Chair.

Affirmative Action Monitoring Committee:
Appointment of Andre Oberle to fill a vacancy to April 30, 2014.

Code Enforcement Task Force:
Appointment of Bobbeye Knoll to replace Izzy Greenberg, who resigned.

The Mayor read the following additions:

Middletown Preservation and Design Review Board:
Reappointment of Molly Salafia to July 31, 2016

Citizens Advisory
Appointment of Linda Szyrkowic to August 31, 2015.

Redevelopment Agency
Appointment of Vincent Szyrkowic to January 31, 2016.

Harbor Improvement Agency
Appointment of William Wilson to replace Joan Inglas to January 31, 2015.

Agenda Item 12

There are no contingency fund transfers

Agenda Item 13

Councilman Faulkner states regarding the money for CDBG and Shiloh Manor; there were some issues at the shelter during the major storm and he wonders if there was a post report and he would like to see the generator at other housing complexes and was there a report done on that. The Chair responds Public Works did the report and he can't speak to that generator.

Motion to Adjourn

Councilman Faulkner moves to adjourn and his motion is seconded by Councilman Klattenberg. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair declares the meeting adjourned at 8:45 p.m.

ATTEST:

MARIE O NORWOOD
Common Council Clerk